

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-528V

UNPUBLISHED

THOMAS LAHA,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 24, 2021

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Shoulder  
Injury Related to Vaccine  
Administration (SIRVA)

*Renee J. Gentry, Vaccine Injury Law Clinic, George Washington University of Law, Washington, DC, for Petitioner.*

*Voris Edward Johnson, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION AWARDING DAMAGES**<sup>1</sup>

On April 29, 2020, Thomas Laha filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered shoulder and arm pain as a result of his influenza vaccination on October 5, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 15, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for Shoulder Injury Related to Vaccine Administration (“SIRVA”). On September 23, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$137,140.93 (consisting of \$132,500.00 for pain and suffering and \$4,640.93 for past unreimbursed expenses). Proffer at 1. In the Proffer,

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$137,140.93 (consisting of \$132,500.00 for pain and suffering and \$4,640.93 for past unreimbursed expenses) in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

On July 13, 2021, respondent, the Secretary of Health and Human Services, filed his Rule 4(c) Report conceding entitlement to compensation in this matter alleging a Shoulder Injury Related to Vaccine Administration (“SIRVA”). On July 15, the Court entered its Ruling on Entitlement, finding petitioner Thomas Laha entitled to Vaccine Act compensation. Respondent now proffers that petitioner receive a compensation award consisting of a lump sum of **\$137,140.93** in the form of a check payable to petitioner, Thomas Laha.<sup>1</sup> This amount consists of \$132,500.00 for pain and suffering and \$4,640.93 for past unreimbursed expenses, and represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner is entitled.<sup>2</sup>

<sup>1</sup> Petitioner is a competent adult. No guardianship is required.

<sup>3</sup> This proffer does not include any award for attorneys' fees and costs that may be awarded pursuant to 42 U.S.C. § 300aa-15(e).

Respectfully submitted,

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Dated: September 23, 2021